

REFERENCE TITLE: **smokeless tobacco use prevention fund**

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1120

Introduced by
Senators Gray, Aguirre, Allen

AN ACT

AMENDING TITLE 36, CHAPTER 6, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-779; AMENDING SECTION 42-3102, ARIZONA REVISED STATUTES; RELATING TO LUXURY PRIVILEGE TAX.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 6, article 8, Arizona Revised Statutes,
3 is amended by adding section 36-779, to read:

4 36-779. Smokeless tobacco use prevention fund: definition

5 A. THE SMOKELESS TOBACCO USE PREVENTION FUND IS ESTABLISHED FOR THE
6 PURPOSE OF FUNDING SMOKELESS TOBACCO USE PREVENTION PROGRAMS AND SERVICES IN
7 THIS STATE. THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES SHALL
8 ADMINISTER THE FUND. THE FUND CONSISTS OF MONIES DISTRIBUTED PURSUANT TO
9 SECTION 42-3102, SUBSECTION B.

10 B. THE DIRECTOR MAY ACCEPT AND SPEND FEDERAL MONIES AND PRIVATE
11 GRANTS, GIFTS, CONTRIBUTIONS AND DEVISES TO ASSIST IN CARRYING OUT THE
12 PURPOSES OF THIS SECTION. THESE MONIES DO NOT REVERT TO THE STATE GENERAL
13 FUND AT THE END OF THE FISCAL YEAR.

14 C. ALL MONIES DEPOSITED IN THE FUND ARE IN ADDITION TO ANY OTHER
15 APPROPRIATION, TRANSFER OR ALLOCATION OF PUBLIC OR PRIVATE MONIES FROM ANY
16 OTHER SOURCE AND SHALL NOT SUPPLANT, REPLACE OR CAUSE A REDUCTION IN OTHER
17 FUNDING SOURCES.

18 D. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190
19 RELATING TO LAPSLING OF APPROPRIATIONS AND ARE CONTINUOUSLY APPROPRIATED. ON
20 NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST AND DIVEST MONIES
21 IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED FROM INVESTMENT
22 SHALL BE CREDITED TO THE FUND.

23 E. FOR THE PURPOSES OF THIS SECTION, "SMOKELESS TOBACCO" INCLUDES
24 SHREDDED TOBACCO, SNUFF, CAVENDISH AND PLUG, TWIST AND OTHER TOBACCO PRODUCTS
25 THAT ARE INTENDED FOR ORAL USE BUT NOT FOR SMOKING.

26 Sec. 2. Section 42-3102, Arizona Revised Statutes, is amended to read:

27 42-3102. Distribution to state general fund and smokeless
28 tobacco use prevention fund

29 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION AND unless
30 otherwise provided by this article or article 6 or 7 of this chapter, the
31 department shall deposit, pursuant to sections 35-146 and 35-147, all monies
32 collected pursuant to this chapter in the state general fund.

33 B. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
34 35-147, ONE PER CENT OF MONIES COLLECTED PURSUANT TO SECTION 42-3052,
35 PARAGRAPHS 5, 6, 7, 8 AND 9 TO THE SMOKELESS TOBACCO USE PREVENTION FUND
36 ESTABLISHED BY SECTION 36-779.